



# House of Representatives

General Assembly

**File No. 290**

*January Session, 2005*

Substitute House Bill No. 6722

*House of Representatives, April 12, 2005*

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT CONCERNING THE USE OF HAND-HELD MOBILE  
TELEPHONES AND HAND-HELD MOBILE ELECTRONIC DEVICES BY  
OPERATORS OF MOTOR VEHICLES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2005*) (a) As used in this  
2 section:

3 (1) "Hands-free mobile telephone" means a mobile telephone with  
4 speakerphone capability or an attachment, add-on component or other  
5 additional equipment, whether or not permanently installed, that  
6 when used allows the operator of a motor vehicle to maintain both  
7 hands on the steering device of such motor vehicle;

8 (2) "Mobile electronic device" means any hand-held or other  
9 portable electronic equipment capable of performing personal  
10 computer functions, sending or receiving electronic mail, playing  
11 video games or digital video disks, or taking or transmitting digital  
12 photographs, or any combination thereof, but does not include any

13 audio equipment or any equipment installed in a motor vehicle for the  
14 purpose of providing navigation, emergency or other assistance to the  
15 operator of such motor vehicle or video entertainment to the  
16 passengers of such motor vehicle; and

17 (3) "Mobile telephone" includes, but is not limited to, any cellular,  
18 analog, wireless or digital telephone capable of sending or receiving  
19 telephone communications without an access line for service.

20 (b) On and after January 1, 2006, no person shall use a mobile  
21 telephone while operating a motor vehicle on a public highway or  
22 private road unless such person is: (1) Using a hands-free mobile  
23 telephone in a mode that allows such person to maintain both hands  
24 on the steering device of such motor vehicle, except that this  
25 subdivision does not apply to any holder of a learner's permit subject  
26 to the requirements of subsection (c) of section 14-36 of the general  
27 statutes or any holder of a motor vehicle operator's license subject to  
28 the requirements of subsection (d) of section 14-36d or section 14-36g  
29 of the general statutes; (2) operating such motor vehicle alone and  
30 reasonably fears for his or her safety or reasonably believes that a  
31 criminal act may be perpetrated against him or her; (3) using such  
32 mobile telephone to contact an emergency 9-1-1 system to report what  
33 such person reasonably believes to be an emergency or the commission  
34 of a crime or motor vehicle violation; (4) operating a school bus with  
35 passengers and is using such mobile telephone to call for assistance in  
36 the case of a mechanical breakdown or an emergency that endangers  
37 such person or passengers; or (5) a peace officer, as defined in  
38 subdivision (9) of section 53a-3 of the general statutes, a firefighter or  
39 an operator of an ambulance, authorized emergency vehicle, as  
40 defined in subdivision (5) of subsection (a) of section 14-1 of the  
41 general statutes, bus, school bus without passengers, taxi cab or tow  
42 truck who uses such mobile telephone while acting in the performance  
43 of his or her duties and within the scope of his or her employment.

44 (c) On and after January 1, 2006, no person shall use a mobile  
45 electronic device to perform any personal computer function, send or

46 receive any electronic mail, play any video game or view a digital  
47 video disk player, or take or transmit any digital photograph while  
48 operating a motor vehicle on a public highway or private road.

49 (d) Nothing in subsection (b) or (c) of this section shall be construed  
50 to prohibit any passenger in a motor vehicle, other than the operator of  
51 such motor vehicle, from using a mobile telephone or a mobile  
52 electronic device while the motor vehicle is being operated on a public  
53 highway or private road.

54 (e) Any law enforcement officer who issues a summons for a  
55 violation of subsection (b) or (c) of this section shall record, on any  
56 summons form issued in connection with the matter, the specific  
57 nature of any distracted driving behavior observed by such officer that  
58 contributed to the issuance of such summons.

59 (f) Any person who violates subsection (b) or (c) of this section shall,  
60 for a first violation, have committed an infraction and shall be fined  
61 not more than seventy-five dollars, for a second violation, shall be  
62 fined not more than one hundred fifty dollars and, for a third or  
63 subsequent violation, shall be fined not more than two hundred fifty  
64 dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	New section

**TRA**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Motor Vehicles	TF - None	None	None
Judicial Dept.	GF - Revenue Gain	290,000	290,000
Various Criminal Justice Agencies	GF - Cost	Minimal	Minimal

Note: TF=Transportation Fund; GF=General Fund

#### **Municipal Impact:**

Municipalities	Effect	FY 06 \$	FY 07 \$
Various Municipalities	Cost	Potential Minimal	Potential Minimal

### **Explanation**

The bill is not anticipated to result in any fiscal impact to the Department of Motor Vehicles. The bill restricts the use of mobile electronic devices while operating a motor vehicle on public or private roads.

### **Revenue**

The bill could result in an estimated revenue gain of \$385,000 to the state by establishing an additional infraction.<sup>1</sup> The bill specifies that a fine for using a hand-held mobile telephone under the bill cannot exceed \$75. However, an additional “fee” imposed under CGS 51-56a<sup>2</sup>

<sup>1</sup> It appears that the revenue from these infractions would be deposited in the General Fund since the bill does not include any reference or modification to the statutes concerning the Transportation Fund, where most motor vehicle related infractions are deposited.

<sup>2</sup> This statute requires payment of an additional \$1 for every \$8 of the fine for any violation of an infraction. This additional fee cannot exceed a total of \$11, and is deposited in the General Fund.

and an additional “cost” imposed under CGS 54-143a<sup>3</sup> could attach up to \$30 to the base fine depending on the level of fine decided upon by the judges of the Superior Court.

According to the US Department of Transportation, at any given time during daylight hours, about 3 percent of drivers (1% margin of error) of passenger cars, vans, SUVs, and pickups are actively using a cell phone.<sup>4</sup> The revenue that could be generated by the bill is based on the following assumptions:

An estimated cell phone user rate of 3%

An estimated 2.4 million drivers in the State of Connecticut

An estimated 7%<sup>5</sup> (refer to table 1) of users are caught and fined at \$75

**TABLE 1 - Estimated conviction rate for shoulder belt violations**

A	Estimated # of drivers in CT	2.4 million
B	% Shoulder belt users (non-users)	76% (24%)
C	Potential infractions (A*B)	576,000
D	Total # of people fined (actual)	38,681
	Rate of conviction = 38,681/576,000	7%

### Cost

Municipal and State police departments would enforce the new law. There could be a minimal cost associated with enforcement as well as in the forwarding of accident reports on a quarterly basis to the Commissioner of Public Safety.

<sup>3</sup> This statute requires that a \$20 surcharge be imposed on the violation of any infraction. The revenue from this surcharge is deposited in the General Fund.

<sup>4</sup> U.S. Department of Transportation National Highway Traffic Safety Administration DOT HS 809 293 July 2001.

<sup>5</sup> Assumption based on conviction rate for not wearing a seat belt. About 7% of those not wearing seatbelts are fined for the offense.

**OLR Bill Analysis**

sHB 6722

***AN ACT CONCERNING THE USE OF HAND-HELD MOBILE  
TELEPHONES AND HAND-HELD MOBILE ELECTRONIC DEVICES  
BY OPERATORS OF MOTOR VEHICLES*****SUMMARY:**

This bill prohibits a driver from using (1) a mobile telephone, unless it is a hands-free telephone, while driving a motor vehicle on a public or private road, except under certain circumstances, and (2) a mobile electronic device to perform any personal computer function, send or receive electronic mail, play a video game, view a digital video disk player, or take or transmit any digital photograph. The prohibitions begin on January 1, 2006.

The prohibitions do not apply to passengers regardless of where they are seated in the vehicle. A law enforcement officer who issues a summons for violation of either prohibition must record on the summons form the specific nature of any distracted driving behavior he saw that contributed to issuing the summons.

A first Violation is punishable as an infraction with a fine of up to \$75, a second violation by a fine of up to \$150, and a third or subsequent violation by a fine of up to \$250. Because only a first violation is designated as an infraction, and fines for subsequent violations are not designated for payment by mail, second or subsequent violations require a court appearance.

EFFECTIVE DATE: October 1, 2005

**DEFINITIONS**

The bill defines a mobile telephone as a cellular, analog, wireless, or digital telephone capable of sending or receiving telephone communications without an access line for service. A hands-free mobile telephone is one with a speakerphone capability or attachment, add-on component or other additional equipment, whether permanent or temporary, that allows the driver to maintain both hands on the steering wheel.

A mobile electronic device is any hand-held or other portable electronic equipment capable of performing personal computer functions, sending or receiving electronic mail, playing video games or digital video disks, or taking or transmitting digital photographs, or any combination of these functions. Mobile electronic device does not include audio equipment or any equipment installed in the vehicle to provide navigation, emergency, or other assistance to the driver or video entertainment to any passenger in the vehicle.

### **EXCEPTIONS TO MOBILE TELEPHONE USE PROHIBITION**

Under the bill, any driver, except a 16- or 17-year old (either operating with a learner's permit or licensed and subject to statutory driving restrictions), may use a hands-free mobile telephone at any time. A driver, including a 16- and 17-year old, may use a mobile telephone that is not capable of hands-free operation if he is:

1. driving alone and reasonably fears for his safety or reasonably believes that a criminal act may be perpetrated against him;
2. using the telephone to contact the 9-1-1 emergency system to report what he reasonably believes is an emergency or commission of a crime or motor vehicle violation;
3. driving a school bus carrying passengers and is reporting a mechanical breakdown or an emergency that endangers anyone in the bus; or
4. a peace officer, firefighter, or person driving an ambulance or authorized emergency vehicle, school bus without passengers, taxicab, or tow truck while acting in the performance of duty and within the scope of his employment. An authorized emergency vehicle includes a fire department vehicle, police vehicle, or public service company or municipal department ambulance or emergency vehicle designated or authorized for use by the motor vehicle commissioner as an emergency vehicle.

### **COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute  
Yea 28 Nay 1